



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,222	09/14/2000	Rogelio Sosa	NETS:0004	2445
23669 7590 04/02/2009 HUFFMAN LAW GROUP, P.C. 1900 MESA AVE. COLORADO SPRINGS, CO 80906				
EXAMINER COLBERT, ELLA				
ART UNIT 3696		PAPER NUMBER		
NOTIFICATION DATE 04/02/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO@HUFFMANLAW.NET



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/662,222
Filing Date: September 14, 2000
Appellant(s): SOSA ET AL.

Gary R. Stanford, Reg. No. 35,689
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 December 2008 appealing from the Office action mailed 10 June 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,577,109	STIMSON et al	11-1996
6,473,500	RISAFI et al	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

It would have been obvious to one of ordinary skill in the art at the time of the invention to include pre-paid cards with unique identifiers with the capability to exchange the card for currency and to transfer funds from a pre-paid card account to a merchant if the transaction is authorized and to provide for more than one prepaid card account to be set up and activated at once in a process called "batch activation" which typically involves a program sponsor. The program sponsor records the card number associated with each recipient and assigns a PIN to each card or separately transmits (via, mail or electronic means or other means) the assigned PIN to the recipient as taught by REFERENCE B in the system of REFERENCE A, since the claimed invention is merely a combination of old elements, and in the combination of each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. **KSR International Co. v. Teleflex, Inc.**, 550 U.S.-, 82 USPQ2d 1385 (2007)

One of ordinary skill in the art at would have found it obvious to update REFERENCE A using the method and system as found in REFERENCE B, in order to gain the commonly understood benefits of such adaptation, such as the batch activation process, the security features of the card(s), and the settlement (reconciliation for the account(s)). This would be accomplished with no unpredictable results. As stated in **Leapfrog**, "applying modern electronics to older mechanical devices has been

commonplace for years." (Leapfrog Enterprises, Inc. v. Fisher-Price, 485 F.3d 1157, 82USPQ2d 1687 (Fed. Cir 2007))

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7-13, 15-29, 31, 32, 34-42, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,577,109) Stimson et al, hereafter Stimson in view of (US 6,473,500) Risafi et al, hereafter Risafi.

As per claims 1 and 26, Stimson discloses, A method of issuing and transacting charge numbers by an issuing and transaction system using an electronic communications network (58), comprising: receiving a plurality of valid charge numbers from an issuing bank, wherein each valid charge number is acceptable to an entity that accepts valid charge numbers that are provided to a charge settlement network and routed by the charge settlement network to the issuing and transaction system for validating transactions(col. 3, line 55- col. 4, line 4); storing the plurality of valid, charge numbers in a memory device of the issuing and transaction system(col. 2, line 50- col. 3, line 6); establishing a prepaid cash account for a user in exchange for cash (col. 5, line 65 –col. 6, line 19); detecting a request by the user via the electronic communications network for one of a plurality of valid charge numbers (col. 6, lines 20-44); associating one of the plurality of valid charge numbers with the prepaid cash account (col. 6, lines 45-65); providing, via the electronic communications network, the associated valid charge number in response to the request (col. 7, lines 26-45); detecting, via the charge settlement network, a purchase transaction using the associated valid charge number between the user and a merchant (col. 6, line 66-col. 7, line 25); and authorizing the purchase transaction if a cash balance of the prepaid cash account is sufficient for a purchase amount of the purchase transaction (col. 6, lines 20-44). Stimson did not expressly disclose the charge numbers were from an issuing bank.

Risafi discloses, the charge numbers are from an issuing bank (col. 7, lines 19-55) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the cards issued from a bank and to modify in Stimson with the teachings of Risafi because this would allow Stimson to have a pre-paid card with a unique identifier with the capability to exchange the card for currency and to transfer funds from a pre-paid card account to a merchant account if the transaction is authorized.

As per claims 2 and 27, Stimson discloses, wherein providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the user (col. 6, lines 20-44).

As per claims 3 and 28, Stimson failed to disclose, wherein providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the user via a telephonic network. Risafi discloses, wherein providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the user via a telephonic network (col. 7, line 56-col. 8, line 4).

As per claims 4 and 29, Stimson failed to disclose, wherein the detecting a request comprises detecting an online purchase transaction between an online merchant and the user via a computer communications network. Risafi discloses, wherein the detecting a request comprises detecting an online purchase transaction between an online merchant and the user via a computer communications network (col. 10, lines 32-67). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have a means of making an online purchase from an online merchant.

As per claims 5 and 32, Stimson failed to disclose, further comprising: the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and the providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the online merchant via the computer communications network. Risafi discloses, the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and the providing the selected valid charge number by the issuing and transaction system comprises providing the selected valid charge number to the online merchant via the computer communications network (col. 10, line 32-col. 11, line 17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to perform Internet shopping without having to provide sensitive account information to the merchant.

As per claims 7 and 31, Stimson discloses, further comprising: expiring, by the issuing and transaction system, the selected one of the plurality of valid charge numbers employed to consummate the purchase transaction (col. 6 lines 45-65).

As per claims 8 and 32, Stimson discloses, expiring, by the issuing and transaction system, each of the plurality of provided valid charge numbers used to consummate the plurality of purchase transactions (col. 7, lines 2-25). These dependent claims are also rejected for the similar rationale as above for claims 1 and 26.

As per claim 9, Stimson discloses, The method of claim 1, further comprising: clearing, by a merchant, the purchase transaction via a charge settlement network (col. 4, line 66- col. 5, line 6).

As per claim 10, Stimson discloses, The method of claim 9, further comprising: settling, by a merchant processor associated with the merchant, the purchase transaction through the charge settlement network (col. 6, lines 45-65).

As per claim 11, Stimson failed to disclose, The method of claim 10, further comprising: deducting, by the merchant processor, a merchant discount for the merchant. Risafi discloses, The method of claim 10, further comprising: deducting, by the merchant processor, a merchant discount for the merchant (col. 12, lines 10-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to be given a discount for the consumer using the pre-paid card with the merchant's logo on the card.

As per claim 12, Stimson failed to disclose, The method of claim 9, further comprising: routing, by a switch network of the charge settlement network, the selected one of the plurality of valid charge numbers to a predetermine processor for the plurality

of valid charge numbers. Risafi discloses, The method of claim 9, further comprising: routing, by a switch network of the charge settlement network, the selected one of the plurality of valid charge numbers to a predetermine processor for the plurality of valid charge numbers (col. 3, lines 53- col. 4, line 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have a prepaid card that addresses the problems of merchant-based prepaid cards and to have a card that is more flexible than the typical card,

As per claim 13, Stimson failed to disclose, further comprising: pre-certifying, by an issuing bank, the issuing and transaction system as processor for the plurality of valid charge numbers; and the routing by the switch network comprising routing the selected one of the plurality of valid charge numbers to the issuing and transaction system. Risafi discloses, further comprising: pre-certifying, by an issuing bank, the issuing and transaction system as processor for the plurality of valid charge numbers; and the routing by the switch network comprising routing the selected one of the plurality of valid charge numbers to the issuing and transaction system (col. 4, line 61- col. 5, line 17 and col. 6, lines 38-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to go to a issuing bank and to have a randomly generated unique temporary credit transaction number to be issued fro a single purchase transaction for a short period of time.

As per claims 15 and 34, Stimson discloses, the authorizing comprises returning, by the issuing and transaction system, authorization information via the charge settlement network (col. 2, lines 31-49).

As per claim 16, this dependent claim is rejected for the similar rationale as given above for claims 9, 10, and 12.

As per claim 17, Stimson failed to disclose, wherein the processing by the issuing and transaction system further comprises: verifying, by the issuing and transaction system, a charge number received via the charge settlement network with the selected valid charge number. Risafi discloses, wherein the processing by the issuing and transaction system further comprises: verifying, by the issuing and transaction system, a charge number received via the charge settlement network with the selected valid charge number (col. 4, line 16-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Graves to have the charge number verified and validated for the customer for a transaction.

As per claims 18, 35, and 36, Stimson failed to disclose, generating, by the issuing and transaction system, a valid expiration date corresponding to the selected valid charge number; providing, by the issuing and transaction system via the electronic communications network, the corresponding valid expiration date with the selected valid charge number; and the processing by the issuing and transaction system further comprising verifying an expiration date received via the charge settlement network with the corresponding valid expiration date. Risafi discloses, further comprising:

generating, by the issuing and transaction system, a valid expiration date corresponding to the selected valid charge number (col. 4, line 61-col. 5, line 10); providing, by the issuing and transaction system via the electronic communications network, the corresponding valid expiration date with the selected valid charge number (col. 12, lines 20-51); and the processing by the issuing and transaction system further comprising verifying an expiration date received via the charge settlement network with the corresponding valid expiration date (col. 12, line 52- col. 13, line 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings Risafi because such a modification would allow Stimson to have a mock or faux expiration date for the credit transaction number.

As per claim 19, Stimson and Risafi failed to disclose, wherein the processing by the issuing and transaction system further comprises: comparing, by the issuing system, a purchase amount received via the charge settlement network with a corresponding cash balance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the processing by the issuing and transaction system further comprise: comparing, by the issuing system, a purchase amount received via the charge settlement network with a corresponding cash balance because this would allow for a system that issues a card for a specific amount and for a specific date and time for a transaction and once the transaction is settled the card is no longer valid.

As per claim 20, Stimson discloses, further comprising: authorizing and settling, by the issuing and transaction system, the purchase transaction (col. 5, lines 27-42).

As per claim 21, Stimson failed to teach, further comprising: authorizing and settling, by the issuing and transaction system, a plurality of purchase transactions, each associated with a corresponding one of the plurality of valid charge numbers; and sending, by the issuing and transaction system, a plurality of settled purchase transactions to a sponsoring bank via an automated clearing house (ACH) batch transfer. Risafi discloses, further comprising: authorizing and settling, by the issuing and transaction system, a plurality of purchase transactions, each associated with a corresponding one of the plurality of valid charge numbers; and sending, by the issuing and transaction system, a plurality of settled purchase transactions to a sponsoring bank via an automated clearing house (ACH) batch transfer (col. 10, lines 32-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Risafi to have a system that can send a transaction number or similar transaction information to a merchant for settlement of a purchase.

As per claim 22, Stimson and Risafi failed to disclose, settling, by the sponsoring bank, the plurality of purchase transactions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to settle by the sponsoring bank, the plurality of phase transactions because this would allow Stimson and Risafi's systems to have a financial repository for holding and transferring funds associated with a transaction.

As per claims 23 and 38, Stimson and Risafi failed to disclose, the detecting a request comprises detecting, by the issuing and transaction system, an online purchase

transaction between an online merchant and the user via a computer communications network; and establishing, by the issuing system, an electronic mail account that enables communication between the online merchant and the user via the computer communications network. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the detecting a request comprises detecting, by the issuing and transaction system, an online purchase transaction between an online merchant and the user via a computer communications network; and establishing, by the issuing system, an electronic mail account that enables communication between the online merchant and the user via the computer communications network because such a system would have the capability to send a message if the purchase transaction is approved or not approved by the merchant.

As per claims 24, 39, and 40, Stimson and Risafi failed to disclose, generating, by the issuing and transaction system, an email address linked to a prepaid cash account associated with the user; and providing; by the issuing system; the email address to the online merchant during the purchase transaction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to generate by the issuing and transaction system, an email address linked to a prepaid cash account associated with the user; and providing; by the issuing system; the email address to the online merchant during the purchase transaction because this would allow for the ability to send a message to the user as to whether the purchase has been approved or denied.

As per claims 25 and 41, These dependent claims are rejected for the similar rationale as given above for claim 18.

As per claim 37, Stimson failed to disclose, wherein the charge settlement network comprises an electronic funds transfer (EFT) network. Risafi discloses, The charge number issuing system of claim 31, wherein the charge settlement network comprises an electronic funds transfer (EFT) network (col. 13, line 18-col. 14, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the charge settlement network comprise an electronics funds transfer (EFT) network and to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have a secure means to transfer funds and to provide real time credit.

As per claim 42, Stimson failed to disclose, A charge number issuing and processing system for issuing valid charge numbers via a electronic communications network and for processing the valid charge numbers via a charge settlement network, comprising: an issuing and transaction system, comprising: a storage device that stores a plurality of valid charge numbers issued by an issuing bank; a communication system for coupling to and enabling communications with the electronic communications network; and a transaction system, coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network and that provides a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request. Risafi discloses, A charge number issuing and processing system for issuing valid

charge numbers via a electronic communications network and for processing the valid charge numbers via a charge settlement network, comprising: an issuing and transaction system, comprising: a storage device that stores a plurality of valid charge numbers issued by an issuing bank; a communication system for coupling to and enabling communications with the electronic communications network; and a transaction system, coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network and that provides a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request and a processor system, coupled to the transaction system, for coupling to and enabling communications with the charge settlement network and a switch network, for coupling to the charge settlement network, that routes any of the plurality of valid charge numbers entered into the charge settlement network to the issuing and transaction system for processing (col. 11, line 1-col. 13, line 62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Stimson with the teachings of Risafi because such a modification would allow Stimson to have the ability to communicate with a charge settlement network and to route valid charge numbers to the charge settlement network.

As per claim 43, Stimson failed to disclose, the storage device storing an accounts database including at least one prepaid cash account; and the transaction system configured to authorize a purchase transaction submitted for authorization via the charge settlement network with selected one of the plurality of valid charge numbers

if a cash balance in a prepaid cash account is sufficient to cover a purchase amount of the purchase transaction. Risafi discloses, the storage device storing an accounts database including at least one prepaid cash account; and the transaction system configured to authorize a purchase transaction submitted for authorization via the charge settlement network with selected one of the plurality of valid charge numbers if a cash balance in a prepaid cash account is sufficient to cover a purchase amount of the purchase transaction (col. 10, lines 1-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stimson with the teachings of Risafi because such a modification would allow Risafi to have a database or memory for storing transaction accounts and valid charge numbers.

As per claim 44, this dependent claim is rejected for the similar rationale as given above for claim 16.

As per claim 45, this dependent claim is rejected for the similar rationale as given above for claim 38,

As per claim 46, this dependent claim is rejected for the similar rationale as given above for claim 39.

As per claim 47, this dependent claim is rejected for the similar rationale as given above for claim 35.

As per claim 48, this dependent claim is rejected for the similar rationale as given above for claim 28.

(10) Response to Argument

Issue no. 1: Appellants' argue on pg. 5, para: 3: Stimson in view of Risafi does not show "detecting a request by the user via the electronic communications network for one of a plurality of valid charge numbers" and "providing via the electronic communications network, the associated valid charge number in response to the request" and "receiving a valid charge number in response to a request conducted via an electronic communications network" as recited in claim 1 has been considered but is not persuasive.

Examiner's Response: It is obvious the user would have to make a request for a valid charge number, otherwise there would not be any need for the user to get a charge number. The manner in which this claim limitation is written it is interpreted could be at least two ways. The first way is that the user who is using a communications network requests a valid charge number and second that the communications network detects a request from a user to issue a valid charge number. There is a lack of clarity in this claim limitation as written. Therefore, it is interpreted that Stimson does disclose this claim limitation in col. 6, lines 20-44. If the charge numbers are not encoded and known to be valid numbers. It is unclear how they become valid charge numbers? In response to **Appellants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "receiving a valid charge number in response to a request conducted via an electronic communications network") are not recited in the rejected claim(s) 1, 26, and 42 . Although the claims are**

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Stimson was used to reject “detecting a request by the user via the electronic communications network for one of a plurality of valid charge numbers” and “providing via the electronic communications network, the associated valid charge number in response to the request” in col. 6, lines 45-65 and col. 7, lines 26-45.

Issue no. 2: Appellants’ argue on pg. 6, para. 3: Stimson in view of Risafi does not show a charge number issuing and transaction system for issuing authorizing valid charge numbers via an electronic communications network including a storage device which stores a plurality of valid charge numbers issued by an issuing bank and “an issuing and transaction system, coupled to the storage device and the network system that detects a request by a user for a charge number via the electronic communications network and that issues a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request as recited in claim 26 has been considered but is not persuasive.

Examiner’s Response: The recitation “A charge number issuing and transaction system for issuing and authorizing valid charge numbers via an electronics communications network” is recited in the preamble of claim 26. In response to **Appellants’ arguments, the recitation “A charge number issuing and transaction system for issuing and authorizing valid charge numbers via an electronics communications network” has not been given patentable weight because the**

recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hira*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Risafi discloses that the card is shipped to the agent without a PIN and a value pre-stored on the card. The card does not acquire a PIN until the user purchases the card and selects a PIN and the initial account is activated in col. 7, lines 19-55.

Stimson discloses in col. 3, lines 55-67 a communications network and a storage device and in col. 6, lines 20-43 -the prepaid cards include body position and read only memory strip having a security number stored thereon as shown in Fig. 2; alternatively, the security number may be the user's account number, a personal identification number (PIN) or some other information generally known only to the user whether encoded on the card or not. The cards may be credit cards, debit cards, smart cards, or any other type of purchasing card which is currently available. The onsite activation terminal interacts with a main processor operated by a host computer via any of a variety of types of interconnecting networks, for example, a telephone network (a communications network) and Stimson has a database in col. 7, line14.

Issue no. 3: Appellants' argue on pg. 6, para. 4: Stimson in view of Risafi does not show a charge number issuing and transaction system for issuing valid charge numbers via an electronic communications network including an issuing and transaction system comprising a storage device that stores a plurality of valid charge numbers issued by an issuing bank, a communication system" and "a transaction system coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network" and "that provides a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request "as recited in claim 42 has been considered but is not persuasive.

Examiner's Response: In response to **Appellants' arguments, the recitation "A charge number issuing and transaction system for issuing valid charge numbers via an electronics communications network"** has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Risafi was used to reject the claim limitations "an issuing and transaction system comprising a storage device that stores a plurality of valid charge numbers issued by an

issuing bank, a communication system" and "a transaction system coupled to the storage device and the communication system, that detects requests for charge numbers via the electronic communications network" that provides a selected one of the plurality of valid charge numbers via the electronic communications network in response to the request ". Risafi discloses an issuing and transaction system (an ATM is capable of issuing and making transactions and is connected to a bank) in col. 11, lines 27-50. Risafi does disclose a card that can be used in place of prepaid telephone cards and there are two ways of activating a card-individual and batch activation. "Batch activation" is activated by a program sponsor that records the card number associated with each recipient and assigns a PIN to each card number. The program sponsor via the PDC activates the cards by transmitting to the PDC via the issuer the card number, PIN, and value added to each card account" in col. 12, lines 20-31.

Issue no. 4: Appellants' argue on Pg. 7, para. 2: Risafi does not disclose verifying "that a charge number received via the charge settlement network is a selected valid charge number" which has been "provided via the electronic communications network" in claim 32 has been considered but is not persuasive.

Examiner's Response: It is interpreted that Risafi discloses verifying "that a charge number received via the charge settlement network is a selected valid charge number" which has been "provided via the electronic communications network" in col. 13, lines 29-52. When the user makes a transaction (purchase) the card is checked to see if the selected charge number is valid.

Issue no. 5: Appellants' argue on pg. 7, para. 3: Stimson does not discuss expiring one or more valid charge numbers at all much less after being used to consummate a purchase transaction and Stimson in view of Risafi does not show expiring the one or more charge numbers after being used to consummate corresponding purchase transactions in claims 7 and 8 has been considered but is not persuasive.

Examiner's Response: Stimson in col. 6, lines 45-65 discloses, the following information The card security number, the identity of the store at which the card was issued (identification of the authorizing terminal) the card's issue date and time, the **card's last use date and time**, ...". The card's last use date and time is interpreted as the expiration date of the card after the sale was made.

Issue no. 6: Appellants' argue on pg. 7, para. 4: With respect to claims 23 and 24, it is not obvious to establish an email account that includes communication between the online merchant and the user via the computer communications network has been considered but is not persuasive.

Examiner's Response: Email accounts are established online everyday with an online merchant. As someone skill in the art and having the experience of several email accounts with different merchants to purchase goods. This is considered to be well known in the business world today and at the time the invention was made.

Issue no. 7: Appellants' argue on pg. 8, para. 2: Stimson in view of Risafi does not show the issuing and transaction system generating a valid expiration date to correspond with the selected valid charge number and providing the corresponding valid expiration date with the selected valid charge number via the electronic communications and the cited portions of Risafi do not appear to even mention an expiration date has been considered but is not persuasive.

Examiner's Response: Appellants' admit that Risafi does show a card 100 with an expiration date 308 and does discuss in Fig. 8b, col. 15, lines 49-67 a batch or automatic closing of a group of accounts performed prior to an expiration date. The generating and providing the charge number along with the expiration date via the electronic communications network in response to a request by the user. It is well known for a customer to request the expiration date when receiving a charge number. Anytime a customer applies for a charge card with a number, the customer wants to know the expiration date.

Issue no. 9: Appellants' argue on pg. 8, para. 5: Stimson in view of Risafi does not show a storage device which stores each valid charge number that has been utilized to consummate a single purchase transaction in an expired charge number database in claim 44 has been considered but is not persuasive.

Examiner's Response: Stimson in col. 6, lines 28-44 discusses a storage device which is a memory stripe with a security number stored on it and in lines 49-50- "the host computer contains sufficient storage associated therewith ...".

Issue no. 10: Appellants' argue on pg. 8, para. 6: Stimson in view of Risafi does not show an email system, coupled to a transaction system and a storage device, that includes email communication with online merchants that conduct online purchase transactions via the electronic communications network in claims 45 and 46 has been considered but is not persuasive.

Examiner's Response: Risafi discloses in col. 12, lines 32-34- the program sponsor distributes each card and with the card or separately, transmits (via mail, electronic means, or other means) the assigned PIN to the recipient". This is interpreted that email is present.

During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow. *In re Zletz* 13 USPQ2d, 1320 (Fed. Cir. 1989).

Claims in a pending application should be given their broadest possible interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

We are not persuaded by an sound reason why, at any time before the patent is granted, an applicant should have limitations of the specification read into a claim where no express statement of the limitation is included in the claim ... However, this court has consistently taken the tack that claims yet unpatented are to be given the broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims, the thought being to reduce the possibility that, after the patent is granted, the claims may be interpreted as giving broader coverage than is justified. *In re Prater*, 162 USPQ 541 (CCPA 1969).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ella Colbert/

Primary Examiner, Art Unit 3696

Conferees:

Vincent Millin /vm/
Appeals Conference Specialist

/Daniel S Felten/
Primary Examiner, Art Unit 3696